

**UNITED STATES BANKRUPTCY COURT
FOR WESTERN DISTRICT OF PENNSYLVANIA (Erie)**

In re:		Case No. 20-10049
		Chapter 11
TRI-STATE PAIN INSTITUTE, LLC,		
	Debtor	
		Related Document No.: 769 , 814
<hr/>		
In re:		Case No. 20-10334
		Chapter 11
JOSEPH MARTIN THOMAS		
	Debtor	
		Related Document No.: 521 , 559

STIPULATION

TIAA Commercial Finance, Inc. (“TIAA”), Tri-State Pain Institute, LLC (“Tri-State”), Joseph Martin Thomas (“Thomas”) and the Official Committee of Unsecured Creditors for Tri-State Pain Institute, LLC (“Creditors’ Committee”) (collectively, the “Parties”) have entered into this Stipulation (the “Stipulation”), this 22nd day of December, 2021.

WHEREAS, on October 7, 2021, Tri-State and the Creditors’ Committee filed their Joint Amended Chapter 11 Plan (Dk. 769) with the Court (the “Tri-State Joint Amended Plan”);

WHEREAS, on October 7, 2021, Thomas filed his Second Amended Plan (Dk. 521) with the Court (the “Thomas Second Amended Plan”);

WHEREAS, the Tri-State Joint Amended Plan and Thomas Second Amended Plan shall hereinafter be jointly referred to as the “Plans”;

WHEREAS, TIAA filed its Amended Proof of Claim # 14 on October 1, 2021 in Tri-State Pain Institute, LLC, Bankruptcy Case No. 20-10049 and its Amended Proof of Claim #8 filed on October 1, 2021 in Joseph Martin Thomas, Bankruptcy Case No. 20-10334 (“TIAA Claims”);

WHEREAS, the Debtors are seeking confirmation of the respective Plans; and

NOW THEREFORE, the Parties mutually agree as follows:

1. The TIAA Claims are by agreement deemed to be allowed general unsecured claims and Tri-State, Thomas and the Creditors' Committee agree not to object to the TIAA Claims.
2. TIAA agrees to cast its votes in favor of the confirmation of the Plans, with the understanding that there is no objection to the TIAA Claims within the applicable time periods provided for objections to Claims in the Plans or at law;
3. Provided that the Plans are confirmed, within thirty (30) days following the expiration of the applicable time periods provided for objections to the TIAA Claims in the Plan or at law, TIAA will dismiss without prejudice its pending suit entitled TIAA Commercial Finance, Inc. v. Tri-State Pain Institute, LLC, Joseph M. Thomas, M.D. and Greater Erie Surgery Center, LLC, Civil Action No.: 19-cv-00335 in the United States District Court for Western District of Pennsylvania, including all claims against the Greater Erie Surgery Center, LLC.
4. A telefax, email, photocopy or the like of the original signature shall be held as binding as the original.

*So Original
Thomas P. Fustine J
1/6/22*

IT IS STIPULATED AND AGREED:

DATED: December 22, 2021
/s/ Gary V. Skiba, Esq.

Gary V. Skiba, Esq. PA ID No. 18153
300 State Street, Suite 300
Erie, PA 16507
(814) 456-5301
gskiba@marshlaw.com
Attorney for Tri-State Pain Institute, LLC

/s/ Guy C. Fustine, Esq.
Guy C. Fustine, Esq. PA ID No.: 37543
Knox McLaughlin Gornall & Sennett PC
120 West Tenth Street
Erie, PA 15601-1461
(814) 459-2800
gfustine@kmgslaw.com
Attorney for the Official Committee of
Unsecured Creditors for Tri-State Pain
Institute, LLC
2303944.v1

Michael P. Kruszewski
Michael P. Kruszewski, Esq. PA ID No.: 91239
The Quinn Law Firm
2222 West Grandview Boulevard
Erie, PA 16506
(814) 833-2222
mkruszewski@quinnfirm.com
Attorney for Joseph M. Thomas
/s/ Michael F.J. Romano, Esq.

Michael F.J. Romano, Esq. PA ID No.: 52268
Romano, Garubo & Argentieri
52 Newton Avenue
Woodbury, NJ 08096
(856) 384-1515
mromano@rgalegal.com
Attorney for TIAA Commercial Finance, Inc.

In re:
Joseph Martin Thomas
Debtor

Case No. 20-10334-TPA
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0315-1
Date Rcvd: Jan 06, 2022

User: culy
Form ID: pdf900

Page 1 of 2
Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 08, 2022:

Recip ID	Recipient Name and Address
db	+ Joseph Martin Thomas, c/of Tri-State Pain Institute, 5442 Peach Street, Erie, PA 16509-2602
cr	+ Official Committee of Unsecured Creditors for Tri-, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501-1410

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 08, 2022 Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 6, 2022 at the address(es) listed below:

Name	Email Address
Andrew F Gornall	on behalf of Interested Party Barbara Noonan agornall@gornall-law.com
Ashley Mulryan	on behalf of Creditor Official Committee of Unsecured Creditors for Tri-State Pain Institute LLC amulryan@kmgslaw.com
Brian Nicholas	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bnicholas@kmlawgroup.com
Crystal H. Thornton-Illar	on behalf of Creditor The Kada Gallery cThornton-Illar@leehtishman.com bankruptcy@leehtishman.com;mproden@leehtishman.com;thornton-illarc81012@notify.bestcase.com
Gary V. Skiba	on behalf of Interested Party Tri-State Pain Institute LLC gskiba@marshlaw.com,

District/off: 0315-1

User: culy

Page 2 of 2

Date Rcvd: Jan 06, 2022

Form ID: pdf900

Total Noticed: 2

DGeniesse@marshlaw.com;rose227@hotmail.com

Guy C. Fustine

on behalf of Creditor Official Committee of Unsecured Creditors for Tri-State Pain Institute LLC mwernicki@kmgslaw.com, knoxbank@hotmail.com, burban@kmgslaw.com, amulryan@kmgslaw.com

Harry W. Greenfield

on behalf of Creditor WELLS FARGO BANK N.A. hgreenfield@bernsteinlaw.com, lyoung@bernsteinlaw.com

Jill Locnikar

on behalf of Creditor United States of America Department of the Treasury Internal Revenue Service jill.locnikar@usdoj.gov, patricia.fitzgerald@usdoj.gov;caseview.ecf@usdoj.gov;kassi.horton@usdoj.gov

Jill Locnikar

on behalf of Creditor United States of America Small Business Administration jill.locnikar@usdoj.gov, patricia.fitzgerald@usdoj.gov;caseview.ecf@usdoj.gov;kassi.horton@usdoj.gov

Jodi Hause, on Behalf of the United States Trustee by

on behalf of U.S. Trustee Office of the United States Trustee jodi.hause@usdoj.gov
David.A.Berry@usdoj.GOV;Steven.W.Albright@usdoj.GOV

Lauren Michaels

on behalf of Creditor Office of Attorney General Department of Revenue lmichaels@attorneygeneral.gov

Maria Miksich

on behalf of Creditor PNC BANK NATIONAL ASSOCIATION mmiksich@kmlawgroup.com

Maribeth Thomas

on behalf of Creditor Ally Bank mthomas@tuckerlaw.com maribeth.thomas@gmail.com,jrusnack@tuckerlaw.com

Mark G. Claypool

on behalf of Creditor Ally Bank serviced by Ally Servicing LLC mclaypool@kmgslaw.com
knoxbank@hotmail.com;chartle@kmgslaw.com;aklus@kmgslaw.com

Michael F.J. Romano

on behalf of Interested Party TIAA Commercial Finance Inc. mromano@rgalegal.com,
tyowell@rgalegal.com;jromano@rgalegal.com

Michael F.J. Romano

on behalf of Creditor TIAA Commercial Finance Inc. mromano@rgalegal.com, tyowell@rgalegal.com;jromano@rgalegal.com

Michael P. Kruszewski

on behalf of Debtor 2374 Village Common Drive LLC mkruszewski@quinnfirm.com
mboni@quinnfirm.com;quinnbankruptcy@gmail.com;mmbquinnbankruptcy@gmail.com;mtrayer@quinnfirm.com;gbebk@quinnfirm.com

Michael P. Kruszewski

on behalf of Debtor Joseph Martin Thomas mkruszewski@quinnfirm.com
mboni@quinnfirm.com;quinnbankruptcy@gmail.com;mmbquinnbankruptcy@gmail.com;mtrayer@quinnfirm.com;gbebk@quinnfirm.com

Norma Hildenbrand, on Behalf of the United States Trustee by

on behalf of U.S. Trustee Office of the United States Trustee Norma.L.Hildenbrand@usdoj.gov

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Ronald B. Roteman

on behalf of Creditor Steven E. Ribbing rroteman@stonecipherlaw.com kannarumo@stonecipherlaw.com

Ronald B. Roteman

on behalf of Creditor Kay B. Ribbing rroteman@stonecipherlaw.com kannarumo@stonecipherlaw.com

Salene R.M. Kraemer

on behalf of Creditor WELLS FARGO BANK N.A. skraemer@bernsteinlaw.com, salene@ecf.courtdrive.com

TOTAL: 23